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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,662	09/18/2003	Yoshihiro Ishikawa	15689.57.1	4614

22913 7590 02/22/2006

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EXAMINER

NGUYEN, HUY D

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,662

Applicant(s)

ISHIKAWA ET AL.

Examiner

Huy D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafiz (US 6,505,042 B1) in view of Ji et al. (US 6,625,134 B1).

Regarding claims 1, 3, 5, Hafiz teaches a cell search control method in a CDMA mobile communication system including a mobile station which decides a base station the mobile station waits for or communicates with by receiving a perch channel transmitted from the base station, and which monitors a paging signal to the mobile station by means of intermittent reception in the idle mode, said cell search control method comprising the step of:

carrying out, in the mobile station, measurement of receiving quality of a paging message (see column 4, lines 19-22). Hafiz does not specifically teach measurement of receiving quality of the perch channel in synchronization with timing of receiving the paging signal sent to the mobile station. Ji et al. teaches that paging channel and pilot channel can be combined into one channel (see column 1, lines 57-59). It would have been obvious to one having ordinary skill in the art, at the time of the invention, to apply the teaching of Ji et al. to Hafiz to use the resource efficiently by reallocating a traffic channel in a soft handoff state as an overhead control channel or as a traffic channel for another mobile station.

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3. Claims 2, 4, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafiz (US 6,505,042 B1) in view of Ji et al. (US 6,625,134 B1) and in further view of Mazawa et al. (US 6,628,631 B1).

Regarding claims 2, 4, 6, the combination of Hafiz and Ji et al. teaches the claimed invention except that the measurement of the receiving quality of the perch channel is carried out in the mobile station when a time period counted from a latest measurement of the receiving quality ~~claim~~ of the perch channel exceeds a predetermined value. However, the preceding limitation is taught in Mazawa et al. (see column 13, lines 31-33). It would have been obvious to one having ordinary skill in the art, at the time of the invention, to apply the teaching of Mazawa et al. to the combination of Hafiz and Ji et al. to maintain a consistent amount of used radio resources in a radio base station regardless of whether a handoff is being made or not, while preserving uninterrupted communications and cell diversity effect.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Ostberg et al. (US 6,504,830) teaches method, apparatus, and system for fast base synchronization and sector identification.
- Muller (US 6,845,238) teaches inter-frequency measurement and handover for wireless communications.
- Sato (US 6,819,927) teaches communication method for use by a mobile station in a mobile communication system of CDMA.

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Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached at 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HN

Huy Nguyen

Jemica M. Beamer
TEMICA BEAMER
PRIMARY EXAMINER
2/14/06